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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/890,200 | 07/26/2001 | Toshio Takahashi | PHJ 99-025 | 7715 |
| 24737 | 7590 | 02/11/2004 | EXAMINER | |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS | | | DONG, DALEI | |
| P.O. BOX 3001 | | | ART UNIT | PAPER NUMBER |
| BRIARCLIFF MANOR, NY 10510 | | | 2875 | |
| DATE MAILED: 02/11/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/890,200 | TAKAHASHI, TOSHIO | |
| | Examiner Dalei Dong | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. 09/890,200.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of Applicant's statement in the Appeal Brief, the Final Rejection dated January 9, 2004 is withdrawn and a new Office Action is issued.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "essentially" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claims 2-7 are rejected because of dependency on claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,909,653 to Bottone.

Regarding to claim 1-6, Bottone discloses in Figures 1 and 2, a "lamp 10 consists of an envelope 12 of generally oval cross-section that has a tipped-off remnant 14 of a vitreous exhaust tube at one end and a press seal 16 at its opposite end. The envelope is fabricated from quartz or a suitable high-temperature glass such a Vycor and can be readily made by partly flattening a cylindrical section of tubing made from such material. The term "oval" as used herein and in the appended claims accordingly includes within its scope envelopes of elliptical cross-section (shown in FIG. 2) as well as envelopes having substantially flat walls joined by rounded side walls" (column 2, line 66 to column 3, line 11).

Bottone also discloses in Figures 1 and 2, "centrally disposed within the body portion of the envelope 12 is a unitary filament mount 18 consisting of a lower transverse bridge member 20 that is joined to a similar upper bridge member 22 by a pair of compressible members such as resilient support wires 24 and a pair of upstanding rigid lead-in conductors or wires 26 the "at least one lead rod" could be either 26 or 34 of Bottone. As is shown in FIGS. 1 and 3, the lead-in wires 26 are embedded in the press seal 16 and in the lower bridge member 20 and are each fabricated from a single piece or length of wire. The lower ends of the resilient support wires 24 are spot welded to the rigid leads 26 and have their opposite end embedded in and joined by the upper bridge member 22. The filament 28 plurality of filament is of biplane each of the two plane comprises the filament structure element construction and consists of a plurality of joined coiled sections of tungsten wire or single wire arranged in parallel spaced relationship with the coil sections extending parallel to the envelope axis each of the lead rods 34

have two filaments located diametrically opposite sides thereof. The short end coils are slipped over and fastened, as by welding, to the inner ends of the lead in wires 26 as shown in Figure 2 of Bottone, groups of three filaments are arranged so that each of the three filaments are located at a point of a triangle which lies on a plane normal to the lead rod 26 or lead in wire and the intermediate portions of the filament between the main coil sections are engaged by the hooked ends hook portion of auxiliary support wires 32 and 34 part of at least one lead rods that depend from the bridge members 22 and 20, respectively' (column 3, line 12-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,909,653 to Bottone.

Bottttonne discloses the claimed invention except for winding at the end of the single wire so that each winding is located closer to the glass piece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have space the end winding closer to the glass piece, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Response to Arguments

7. Applicant's arguments filed January 9, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument that the word "essentially" is a very commonly used in claim language to allow for small deviations from what otherwise may be interpreted as being an exact position/value requirement. Examiner agrees with the Applicant that the word "essentially" allows for small deviation which is vague and indefinite in the claim language. Also, the small deviation is not defined in the claims or the Disclosure, thus render the claim to be vague and indefinite.

Also, in response to Applicant's argument that there is no two filaments physically located on the opposite sides of the lead-in conductor 26. Examiner interprets that the claimed "at least one lead rod" as lead-in conductor 26 as well as support rod 34 in the Bottone reference. Clearly shown in Figure 2, the plurality of filament is arranged so to be diametrically opposite of lead rod or support rod 34 and that three filaments is located at a position of a triangle which lies on a plane normal to the lead rod.

Further, Applicant argues that the claimed "lead rod" is a conductor, however nowhere in the claim does the Applicant claim the "lead rod" to be conductor or any other kind of material, thus Examiner interprets that the "lead rod" can be composed of

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plurality of lead-in conductor 26 and support rod 34. Thus, Examiner asserts that the Bottone reference is valid and maintains the rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (571)272-2370. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.D.
February 5, 2004



Sandra O'Shea
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